

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF TEXAS
FORT WORTH

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED AUG - 6 2014 CLERK, U.S. DISTRICT COURT By <u>VB</u> Deputy

Lisa A. Biron,
Petitioner

v.

Jody Upton, Warden,
Respondent.

Case No.:

4-14CV-627-A

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

1. The Petitioner, Lisa A. Biron, pro se, brings this Petition¹ to challenge the loss of good time and various privileges resulting from the latest in a string of wrongful FBOP disciplinary actions stemming from the erroneous contention that there exists a court-order barring contact between Petitioner and her minor daughter R.B.
2. Since April 1, 2014, the Petitioner has been confined at Federal Medical Center ("FMC"), Carswell, P.O. Box 27137, Fort Worth, Texas 76127.
3. Petitioner is currently serving a federal sentence having been convicted in the United States District Court for the District of New Hampshire, Case No.: 1:12-cr-00140-PB-1 and sentenced on May 23, 2013; an Anders Brief and Motion to Withdraw were filed by counsel on May 28, 2014 in the First Circuit Court of Appeals, Docket No.: 13-1698.
4. On July 31, 2014 the Petitioner was found guilty at DHO Hearing of violating a code 296 for attempting to violate a no-contact order by sending mail to R.B.

¹ On August 1, 2014 this Court dismissed Petitioner's § 2241 Petition (filed on July 30, 2014) for lack of jurisdiction. See Opinion and Order, Civ. Act. No.: 4:14-cv-603-0.

5. There is no such order barring contact. Specifically, there is no provision barring contact in Petitioner's sentence. Clearly, if the sentencing court (Judge P. Barbadoro) found it appropriate to bar the Petitioner from writing to, or contacting, R.B. from prison, it would have sentenced her accordingly.
6. At the July 31, 2014 disciplinary hearing the DHO represented that the U.S. Attorney has informed the FBOP (via e-mail) that the magistrate's expired pre-trial (arraignment) "order"² is a no-contact order, which is presently in effect.
7. Because the FBOP is admittedly following the legal advice of the U.S. Attorney, any attempt at an administrative remedy is clearly futile.
8. The Petitioner presently has a § 2241 Petition pending in the United States District Court for the District of Connecticut (Case No.: 3:14-cv-385(VLB)) challenging disciplinary proceedings that occurred during her confinement at FCI Danbury. The Connecticut action does not directly address the alleged existence of the no-contact order because the three (3) incident reports at issue initially claimed violations of a no-contact order but when challenged were morphed into "circumvention of mail monitoring procedures" convictions.
9. The Petitioner's and R.B.'s constitutional rights may be irreparably injured without immediate judicial relief.

² It is doubtful that the January 3, 2013 statement by the magistrate was a no-contact order even at the time it was issued as magistrates do not generally have injunctive powers other than those consented to or allowed by U.S.C. 636. The defendant, at the time of this "order," was already detained in Strafford County (NH) D.O.C.

WHEREFORE, the Petitioner requests this honorable Court expunge her disciplinary conviction, restore her good time and privileges, enjoin further wrongful disciplinary actions against Petitioner based on the non-existent no-contact order and grant such further relief as is deemed just and equitable.

Respectfully submitted by:

8/5/14
Date

Lisa Biron
Lisa A. Biron
Reg. # 12775-049
Federal Medical Center, Carswell
P.O. Box 27137
Fort Worth, TX 76127

CERTIFICATION

I, Lisa A. Biron, do hereby declare, under penalty of perjury, that the foregoing information in this Petition is true and correct, and that the original and one (1) copy of said Petition have been this date deposited in the inmate legal mail system, postage paid.

Lisa Biron
Lisa A. Biron

Lisa A. Biron
Reg. #12775-049
Federal Medical Center, Carswell
P.O. Box 27137
Fort Worth, TX 76127

Clerk of Court
U.S. District Court
501 W. 10th St., Room 310
Fort Worth, TX 76102

August 5, 2014

Re: § 2241 Petition, Biron v. Upton

Dear Clerk:

I have enclosed, for filing with the Court, an original and one (1) copy of my § 2241 Petition. Please serve the Respondent as allowed under Rule 4.

My \$5.00 filing fee will arrive under separate cover.

Thank you for your attention to this matter.

Sincerely,


Lisa Biron

local mail

NORTHERN DIST. OF TX.
FT WORTH DIVISION

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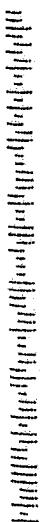
CLERK OF COURT

Name Lisa Biron
Reg. No. 12775-049
Federal Medical Center, Carswell
P.O. Box 27157
Ft. Worth, TX 76127

⇔ 12775-049 ⇔

U.S. District Court
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